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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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April 14, 1989

LaVarr B. Webb, Agent  
Silver Valley Estates  
P.O. Box 801  
Leeds, Utah 84746

Dear Mr. Webb:

I am in receipt of your letter delivered to the Division of Oil, Gas and Mining (DOGM) April 7, 1989, requesting permission for initiation of monitoring of water quality via pumping of a well located on the "California Claim".

I have reviewed your letter and the attached maps and correspondence from other agencies and cannot make a determination as to the specific location of the well in your letter vis a vis water rights, etc. that are described in the attachments. However, pumping of a well for water quality testing would not constitute a mining operation as defined in 40-8-4 (6) Utah Code Annotated 1953 as amended, unless such activity is conducted in support of or incident to mining operations regulated by the Division. On this basis, I believe that you do not need approval from DOGM to conduct these non-mining related ground water monitoring activities.

I would caution you, however, that the Division does not adjudicate property disputes and encourage you to obtain approval from agencies normally responsible for approving water production associated with your intended use prior to initiating these monitoring activities.

I hope this is helpful to you.

Sincerely,

Lowell P. Braxton

Administrator

Mineral Resource Development  
and Reclamation Program

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